

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GREG GUNTHER,)	
)	
Plaintiff,)	
)	
v.)	C.A. No.
)	
CBI/EQUIFAX CREDIT REPORTING)	
AGENCY,)	
)	
Petitioner/Defendant.)	

ANSWER AND AFFIRMATIVE DEFENSES

Defendant Equifax Information Services LLC, ("Equifax"), incorrectly named in the above-styled action as "CBI/Equifax Credit Reporting Agency," respectfully submits its answer and affirmative defenses to the complaint filed by Plaintiff Greg Gunther ("Plaintiff") as follows:

1. Equifax denies every allegation in paragraph 1.
2. Equifax denies that Plaintiff is entitled to recovery of any money damages against Equifax and otherwise denies paragraph 2.

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's damages, if any, were not proximately caused by any act or omission by Equifax.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's damages, if any, are unduly speculative.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff has failed to take reasonable steps to mitigate his claimed damages.

WHEREFORE, Equifax prays for the following relief against Plaintiff:

- a. That the Court dismiss the Complaint on the merits with prejudice;
- b. That Plaintiff have and recover nothing from Equifax;
- c. That the Court award Equifax its attorney's fees, expenses of litigation, and court costs; and
- d. That the Court award such other relief as is just and proper.

SMITH, KATZENSTEIN & FURLOW LLP



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Information Services, LLC

April 28, 2006

Of Counsel:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2006, two copies of the foregoing ANSWER AND AFFIRMATIVE DEFENSES were sent to the following by first class mail:

Greg Gunther
5002 Rosetree Lane
Newark, DE 19702



Laurence V. Cronin (ID No. 2385)